

GEO, INC.

IBLA 77-62 Decided February 14, 1978

Appeal from a decision of the Eastern States Office, Bureau of Land Management, rejecting oil and gas lease offer ES 16370 (Tennessee).

Affirmed.

1. Mineral Leasing Act for Acquired Lands: Consent of Agency—Oil and Gas Leases:
Acquired Land Leases—Oil and Gas Leases: Consent of Agency

The Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C. §§ 351-359 (1970), requires that the consent of the administrative agency having jurisdiction of the acquired land described in a lease offer be obtained prior to the issuance of an oil and gas lease for such land. The Department of the Interior has no discretionary authority to lease such land where the consent is withheld.

APPEARANCES: C. A. Koch, Vice-President, Geo, Inc.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Geo, Inc., has appealed from an October 29, 1976, decision of the Eastern States Office, Bureau of Land Management, rejecting its noncompetitive oil and gas lease offer, ES 16370 (Tennessee).

The land applied for is acquired land under the jurisdiction of the Tennessee Valley Authority (TVA).

Section 3 of the Mineral Leasing Act for Acquired Lands, as amended, 30 U.S.C. § 352 (1970) states:

No mineral deposit covered by this section shall be leased except with the consent of the head of the executive department, independent establishment, or instrumentality having jurisdiction over the lands containing such deposit * * * and subject to such conditions as that official may prescribe to insure the adequate utilization of the lands for the primary purpose for which they have been acquired or are being administered.

[1] The effect of this statute is to preclude mineral leasing on acquired lands without the consent of the administrative agency having jurisdiction over the acquired land. Capitol Oil Company, 33 IBLA 392 (1978), Charles F. Hajek, 29 IBLA 330 (1977).

In a letter dated September 29, 1976, TVA informed the State Office that it would not consent to the issuance of oil and gas leases on TVA reservation lands. Thereupon, the offer was rejected.

In its appeal, Geo says that further information from the TVA would be forthcoming. However, in the absence of any change in position by TVA, and none has been presented, the State Office decision was correct.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Eastern States Office is affirmed.

Martin Ritvo
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Douglas E. Henriques
Administrative Judge

